



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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JUL 25 2007

John Morris, Director
City of Newburyport
Health Department
City Hall
60 Pleasant Street
Newburyport, MA 01950

Re: NEWBURYPORT - Solid Wastes/COR
Crow Lane Landfill
City of Newburyport by and Through its Board of Health v. New Ventures Associates, LLC, Essex Superior Court, C.A. No. ESCV2007-01255
FMF No. 39545

Dear Mr. Morris:


We are writing with regard to the above captioned action the City of Newburyport has filed against New Ventures Associates, LLC ("New Ventures"). The Massachusetts Department of Environmental Protection ("MassDEP") understands that, through this action, the City of Newburyport is seeking immediate injunctive relief aimed at abating a public nuisance and mitigating noxious hydrogen sulfide odors emanating from the Crow Lane landfill, located on Crow Lane in Newburyport (the "Landfill"). To this end, we understand that the City is seeking the following specific injunctive relief:

1. The placement a temporary cover over the Phase IA Area of the Landfill that will involve: removal of the tarps currently covering the that area, the grading and placement of not less than a 1 foot thick of a low permeability soil, and the replacement of the tarps over the new, temporary low permeability soil cover;
2. The proper patching of the tears in the existing flexible membrane liner ("FML") including, without limitation, tears around penetrations through the liner that New Ventures improperly repaired with "duct" tape; and
3. Pumping of the leachate collection tanks for proper off-site disposal of the leachate.

These proposed nuisance and odor control measures are not in conflict with the terms, conditions, or requirements of any current permits, plans, or MassDEP approvals regarding the Landfill, nor are they in conflict with Preliminary Injunction entered against New Ventures by the Suffolk Superior Court in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court, CA No. 06-0790. New Ventures may implement these measures at anytime, including by order of the Essex Superior Court, without seeking approval or authorization by MassDEP and without resort to or amendment of the Preliminary Injunction in the Commonwealth's Suffolk Superior Court action.

If you have any questions please contact me at (978) 694-3299.

Sincerely,



John A. Carrigan, Chief
Solid Waste Management Section

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